Our File: 5044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

APPLICANT:	Mathus et al.	**GROUP:**	1743
SERIAL NO.:	09/457,796	**EXAMINER:**	Cross, Latoya I.
FILED:	December 9, 1999		
FOR:	TUBE RACK		

Box Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is in response to the office action mailed on October 24, 2003.

It is respectfully submitted that the issue is **not** whether Laska might be modified to include the opening/closing mechanism of Riihimaki

> "so as to allow easy access to instruments when opened
> and better protection of the instruments when closed."

Rather, the issue is whether it would be obvious to combine these references to achieve the applicants' **claimed combination**. With this in mind, consider the following with respect to independent claim 26:

a) The claimed hinge mechanism comprises notches (52) in the cover sidewalls (46) and coaxially aligned trunnions 36 protruding from the base side walls (32). Riihimaki has none of these components, and instead relies on hook-shaped edges on the back walls of the base and cover – a totally different design.

b) In the claimed combination, the trunnions (36) are in **contact with** the trunnion travel surfaces (56) when the cover is closed. In Riihimaki, as shown in Figure 7, the hook shaped elements are out of contact with each other when the cover is closed.

c) In the claimed combination, the hinge components permit **unimpeded vertical** movement of the cover between its closed position and a raised position removed from the base. In Riihimaki, the hooked hinge components would be mechanically interlocked and would thus **prevent** unimpeded vertical movement of the cover.

d) In the claimed combination, contact between the ledge surfaces (58) and the trunnions (36) prevents rotation of the cover beyond its open position, and when in the open position, the tabs (60) underlie the trunnions to prevent cover removal. In Riihimaki, the exact opposite is true. When the Riihimaki cover is pivoted to its open position as shown in Figure 6, the hooked segments disengage from one another, allowing the opened cover to be separated from the base.

In summary, any combination of Laska with Riihimaki would result in something far different from applicants' claimed construction. The examiner's obviousness rejection should, therefore, be withdrawn.

Respectfully submitted,

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